APR 1 1980
MICHAEL RODAK, JR., CLERK

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1979

No. 79-6152

JANICE HAYES, Appellant,

v.

VALLEY BANK OF NEVADA, SCOTTY GLADSTONE, MERVIN IVERSON, THE JUSTICES OF THE SUPREME COURT OF NEVADA, AND THE STATE OF NEVADA, Appellees.

ON APPEAL FROM THE SUPREME COURT OF NEVADA

MOTION TO DISMISS APPEAL

RICHARD H. BRYAN
Attorney General of the State of Nevada
LARRY D. STRUVE, Chief Deputy Attorney General
HARRY W. SWAINSTON
Deputy Attorney General
Heroes Memorial Building
Capitol Complex
Carson City, Nevada 89710
Attorneys for Appellees

March 28, 1980

ATTORNEY GENERAL'S OFFICE CARSON CITY NEVADA

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1979

JANICE HAYES, Appellant, v. VALLEY BANK OF NEVADA, SCOTTY GLADSTONE, MERVIN IVERSON, THE JUSTICES OF THE SUPREME COURT OF NEVADA, AND THE STATE OF NEVADA, Appellees.	No. 79-6152 MOTION TO DISMISS APPEAL

COMES NOW the Appellees Scotty Gladstone and Mervin Iverson, by and through their attorneys Richard H. Bryan, Attorney General of the State of Nevada, Larry D. Struve, Chief Deputy Attorney General, and Harry W. Swainston, Deputy Attorney General, and hereby moves this Honorable Court to dismiss the appeal of the above captioned case pursuant to Supreme Court Rule 16, upon the following grounds:

1. The appeal from the Supreme Court of the State of Nevada does not present a substantial federal question in that as respects the case of Janice Hayes v. Scotty Gladstone and Mervin Iverson, No. 11992, before the Supreme Court of the State of Nevada, no order of the Court has been entered which would deny Appellant the opportunity to appear before the Supreme Court of the State of Nevada in proper person. Thus, the federal question sought to be reviewed was not raised or expressly passed on and therefore Appellant's appeal should be summarily rejected.

This Motion To Dismiss Appeal is based upon Supreme Court Rule 16(1)(b), the Points and Authorities attached hereto,

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and upon the papers and pleadings on file herein.

Respectfully submitted this 28th day of March, 1980.

RICHARD H. BRYAN
Attorney General
HARRY W. SWAINSTON
Deputy Attorney General

By
Larry D. Struve
Chief Deputy Attorney General
Heroes Memorial Building
Capitol Complex
Carson City, Nevada 89710

POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS APPEAL

I

THE APPEAL FROM THE SUPREME COURT OF THE STATE OF NEVADA DOES NOT PRESENT A SUBSTANTIAL FEDERAL QUESTION WHICH WAS RAISED OR EXPRESSLY PASSED ON BY THE SUPREME COURT OF THE STATE OF NEVADA.

As noted by Appellant at page 3, lines 3-6, of the Jurisdictional Statement she has "taken a precautionary appeal to this Court in Hayes v. Gladstone." This Court should decline jurisdiction to review appellant's precautionary appeal because the Nevada Supreme Court has entered no order which raises the federal question presented for review. On August 16, 1979, the Nevada Supreme Court dismissed the appeal brought by appellant because the order of State District Court was not an appealable order. The Nevada Supreme Court, therefore, neither addressed nor decided the question of whether appellant was precluded from appearing before the Nevada Supreme Court pursuant to Nevada Rule of Appellate Procedure, Rule 46(b). The Nevada Supreme Court entered the following Order Denying Rehearing on December 3, 1979:

"Appellant's motion for rehearing on

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our order dismissing appeal in the above-entitled matter is denied. Appellant's motion for rehearing on our order denying leave to appear in proper person is accordingly rendered moot, and is therefore also denied.

It is so ORDERED."

CONCLUSION

It is respectfully requested that this appeal be dismissed for the reasons presented.

Dated this 28th day of March, 1980.

Respectfully submitted,

RICHARD H. BRYAN
Attorney General of the State of Nevada
HARRY W. SWAINSTON
Deputy Attorney General

By Larry D. Struve
Larry D. Struve
Chief Deputy Attorney General
Heroes Memorial Building
Capitol Complex
Carson City, Nevada 89710

PROOF OF SERVICE

I, Larry D. Struve, an attorney for the Appellees herein, and a member of the Bar of the Supreme Court of the United States, hereby certify that on the 28th day of March, 1980, I served copies of the foregoing Motion To Dismiss Appeal and Points and Authorities In Support Of Motion To Dismiss Appeal on the following person, by mailing copies in duly addressed envelopes, with first class postage thereon, prepaid, as follows:

Ms. Janice Hayes
6343 Concho Lane
Las Vegas, Nevada 89102

2353 Portland Street, Apartment 1
Los Angeles, California 90007

I further state that all parties required to be served have been served.

Larry D. Struve
Chief Deputy Attorney General
Heroes Memorial Building
Capitol Complex
Carson City, Nevada 89710